

Appln. No. 10/796,097
Amdt. Dated June 26, 2003
Reply to Office Action of April 5, 2006

REMARKS

Claims 1 and 13-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Langbauer in view of Wiberg. It is stated that Langbauer has among other things a circulator to circulate and mix the liquid and a perforated container 3 for independently submerging and removing the container within the liquid. Langbauer discloses a cylindrical screen basket 3 that has a closed cylindrical surface and a grille-like design on the upper and lower end surfaces. A gap between the cylindrical surface of the screen basket and a tank 2 containing the screen basket is fitted with a seal. Thus, fluid is forced to flow through the openings in the upper and lower end surfaces as the basket is raised and lowered in the fluid. Repeated raising and lowering of the basket within the tank is required to mix the tea. The basket has partitions in which different teas can be inserted. All of the teas are raised and lowered together as there is only one basket. Having no separate mixer, a user must raise and lower the basket several times to effect mixing. Thus, there is no circulator per se, only the perforated container for containing the infusible material. Moreover, Applicant employs at least two perforated containers each of which is filled with flavoring or scent agents. A user is able to keep each submerged for a preselected time independent of the other since there are at least two separate baskets to contain them. This is important as some flavoring agents require a different submerging time than others in order to extract the optimum amount of flavor. This is not possible with Langbauer.

While it is true that Wiberg discloses multiple containers 1, they are all mounted onto a square rod and all rotate together. There is no independent raising and lowering of containers.

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Joergensen discloses a filter insert having a wire screen around its cylindrical surface. The insert is located inside a liquid container. A plunger inside the filter is used to infuse tea with liquid.

It is not clear how one would substitute the infusing container of Langbauer as modified by Wiberg with the infusing container disclosed in Joergensen to get Applicant's system. Langbauer modified by Wiberg would simply result in Langbauer with 4 baskets all mounted to the same central square shaft, which rotates the baskets. Substitution of the container of Joergensen would not even be possible without replacing the containers of Wiberg with a filter insert and plunger as in Joergensen. It is not understood how all of these patents could be combined. In any event, even if they were they would not get Applicant's system.

Accordingly, favourable re-consideration of the present claims is respectfully solicited.

Respectfully submitted,

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